



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES: Real Estate Education Committee –Subcommittee

MEETING DATE AND TIME: Friday December 17, 2010 at 9:00 a.m.

**PLACE: 861 Silver Lake Boulevard, Dover, Delaware
Conference Room B**

MINUTES APPROVED 2/24/2011

MEMBERS PRESENT

Tim Riale
Tom Burns
Shirley Kalvinsky
Gene Millman
Bruce Plummer

DIVISION STAFF

Jessica Williams. Administrative Specialist II

CALL TO ORDER

Mr. Riale called the meeting to order at 9:36 a.m.

REVIEW OF MINUTES

A motion was made by Mr. Plummer, seconded by Ms. Kalvinsky, to approve the November 16, 2010 minutes as presented. Motion unanimously carried.

Discussion Regarding Broker's Core Course

Mr. Riale informed the Subcommittee that he presented the proposed draft to the Real Estate Education Committee. The Education Committee recommended that the verbiage needs to be loosened for the "Contemporary Issues" course in order to allow the licensees to choose from a menu of courses.

The Education Committee also recommended that the Subcommittee revisit the Broker of Record and the Broker Manager courses, so that there would be separate courses for the Broker of Record and the Broker Manager.

The Education Committee recommended that the Subcommittee increase the hours of continuing education, while leaving the credits the same.

Additionally, the Education Committee suggested that a 30 minute question and answer session occur at the end of each course with testing.

The Subcommittee determined that they are not interested in the recommendations from the Education Committee and would like to continue their efforts in creating a detailed course outline.

Draft Detailed Course Outline

The Subcommittee drafted the following detailed course outline:

Core Module 1

Agency (80 Minutes)

Pre-House Bill 122} Yesterday
House Bill 122} Today

Definitions

- Ministerial Task
- Statutory Agency
- Brokerage Organization

CIS- It's the **LAW!**

- Presentation Requirements
 - Open House
 - New Construction
 - Signature
- Confidentiality
 - Sex Offender Disclosure
- Dual Agency
- Common Law Agency
- Obligations/Required Duties
- Imputed Knowledge
- Vicarious Liability (Broker Remains Vicariously Liable for Their Agents)
- Notice
- Actions Permitted
- Duties of Cooperation
- Record Keeping
- Commencement and Termination of Agency

Written Review

Break (20 Minutes)

Fair Housing (80 Minutes)

Civil Rights Act of 1866
Fair Housing Act of 1968
Federal Protected Classes
Delaware Protected Classes
Article 10-Code of Ethics
Americans with Disabilities Act
Steering
Blockbusting
Redlining
Megan's Law
Equal Service Report Form
Complaint Process
Staying Out of Trouble
Case Histories
Advertising

- Posters
- No Preference
- Discouraged Wording

Exemptions

Assistance Animals

HOPA (Housing for Older Persons Act)

Written Review

Core Module 2

Professional Standards (3 Hours)

- Code of Ethics
- Professional Standard Issues
- Case Studies
- Complaint Process
- Sanctions or Monetary Awards
- Questions and Answers
- Written Review

Courses may cover such topics as, but not limited to: arbitration, procuring cause, mediation etc.

Core Module 3

Real Estate Documents (3 Hours)

Sales/Lease Contracts (75 Minutes)

- Elements of a Contract
 - Explanation of Paragraphs
- Breach of Contract
- Remedies of Law for Buyers/Tenants
- Remedies of Law for Sellers/Landlords
- Photocopy of Check
- Ratification
- Unauthorized Practice of Law

Break (15 Minutes)

Listing/Employment Agreements (75 Minutes)

- Elements of Agreement
 - Explanation of Paragraphs
 - Multiple Offers Permission
 - Valuation & Blogging Permission
 - Termination of Listing

Written Review (15 Minutes)

Core Module 4

Office Management (3 Hours)

Definition & Responsibilities of Broker (65 Minutes)

- Section 2977
- Definition of Broker of Record
- Escrow Accounts
- Set Up of Office
- Signage & Advertising
- Maintenance of Records
- Overseeing of Agents

- Overseeing of Contracts (Listing and Sales)
- Multiple Offers
- Key Policy
- Teams/Agent Assistants

Break (20 Minutes)

Risk Reduction for the Broker (65 Minutes)

- Do Not Call List
- Do Not Fax Rules
- Anti-Trust Compliance
- MLS Compliance
- Fair Housing Compliance
- Ethics Compliance
- DREC Compliance (Rules and Regulations)
- Agency & CIS Compliance
- Procuring Cause
- RESPA Compliance
- Controlled Business Arrangements
- Social Media Liability
- Internet Advertising

Forms & Other Issues (30 Minutes)

- State Required Forms
- Independent Contractor Agreements
- Continuing Education Requirements
- Policy & Procedure Manuals
- License Renewal Requirements

Written Review

Core Module 5

Contemporary Issues (3 Hours)

Whereas the business of real estate is constantly changing and being impacted with new laws, regulations and real estate related issues, this course is designed to insure that real estate licensees are knowledgeable of these factors and their impact on real estate so as to bring their practices into compliance. The content of this course will require specific content approval on a case-by-case basis as submitted for continuing education credit approval. Each course presented under Contemporary Issues shall meet the following criteria:

Identification of the Issues

Review of its impact upon real estate practitioners

Requirements to be in compliance

Written Review

Questions and Answers

(For information only: Topics could include the following but not limited to: Anti-Trust, Federal and State Legislative Issues, Red Flag Issues, Disclosures, Local Issues, DREC Seminar, Green, Mold, Meth Labs, Bedbugs, Wet Lands, Flood Plains, Tax Ditches, Surveys/Encroachments, Open Permits, Short Sales/Foreclosures, Contemporary Finance, Insurance, Home Inspections, BPO)

Ms. Kalvinsky made a motion, seconded by Mr. Millman to submit the detailed course outline to the Education Committee. Motion unanimously carried.

Mr. Plummer made a motion, seconded by Ms. Kalvinsky to recommend to the Education Committee that upon adopting the detailed course outline that the instructors must be qualified to teach particular courses. Instructors would have to complete a one day train the trainer training for Module 1 and Module 4 and one hour

updates for the other modules which would be approved by the Delaware Real Estate Commission. Motion unanimously carried.

Public Comment

There was no public comment.

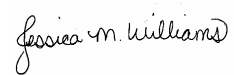
Schedule Next Meeting

The next meeting will be held on Friday, January 7, 2011 at 1:30 p.m. in Conference Room A, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

There being no further business, Mr. Riale made a motion, seconded by Ms. Kalvinsky, to adjourn the meeting. Motion unanimously carried. The meeting adjourned at 3:04 p.m.

Respectfully submitted,



Jessica Williams
Administrative Specialist II